

Exhibit “D”

ORIGINAL TRANSCRIPT

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

AGERE SYSTEMS, INC., CIVIL ACTION
CYTEC INDUSTRIES,
INC., FORD MOTOR
COMPANY, SPS
TECHNOLOGIES LLC
and TI GROUP
AUTOMOTIVE SYSTEMS
LLC

Plaintiffs

v

ADVANCED ENVIRONMENTAL
TECHNOLOGY CORPORATION,
ET AL.

Defendants NO.
02-CV-3830 (LDD)

Oral deposition of GORDON
R. JAMIESON, PG, taken at the law
offices of Ballard Spahr, Andrews &
Ingersoll, LLP, 1735 Market Street
42nd Floor, Philadelphia, PA, on
Wednesday, December 20, 2006,
at 9:34 a.m. before Jennifer
Bermudez, a Registered Professional
Reporter, and Notary Public, pursuant
to notice.



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1 EXAMINATION INDEX

2 GORDON R. JAMIESON, PG
3 DIRECT BY MS. TROJECKI . 4
CROSS BY MS. FLAX 118
CROSS BY MR. SABINO 122

4

5

6 EXHIBIT INDEX

7 MARKED

8 JAMIESON

9 1 DRAFT BOARDHEAD FARMS 20
SUPERFUND SITE UPPER
BLACK EDDY, BUCKS CO., PA
10 OPERABLE UNIT NO. 1
GROUNDWATER MODEL REPORT
11 OCTOBER, 2004

12 2 E-MAIL FROM GORDON 111
JAMIESON TO LEIGH SHORT
AUGUST 24, 2006

14 3 E-MAIL FROM GORDON 113
JAMIESON TO LEIGH SHORT
15 AND JAMES ROETZER, AUGUST
28, 2006

16 4 E-MAIL FROM JEFF PETTIT 115
17 TO GORDON JAMIESON
AUGUST 30, 2006

18

19

20

21

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1 correct?

2 MR. PETTIT: Objection to
3 the form.

4 THE WITNESS: Repeat the
5 question, please.

6 BY MS. TROJECKI:

7 Q. Do you have any opinion
8 whatsoever regarding what nonmetal
9 bearing acid wastes are?

10 A. Simply from what I have
11 read from things like Mr. Curley's
12 deposition, that they were different
13 types of acids, mostly nonmetal
14 bearing acids.

15 Q. Were you asked to do any
16 kind of analysis into what Ashland's
17 waste streams may have been in this
18 matter?

19 A. No, I wasn't. No.

20 Q. Were you asked to determine
21 what types of Ashland's waste
22 products may have gone to the
23 Boarhead Farms site?

24 A. Was I asked to? Can you



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1 repeat the question, please.

2 MS. TROJECKI: Can you
3 repeat that.

4 (The court reporter read
5 back the following:

6 "Q. Were you asked to
7 determine what types of Ashland's
8 waste products may have gone to the
9 Boarhead Farms site?")

10 THE WITNESS: No.

11 BY MS. TROJECKI:

12 Q. And does the Expert Report
13 that's in front of you apply to any
14 type of Ashland waste stream other
15 than nonmetal bearing acid wastes?

16 A. Not that I'm aware of.

17 Q. Can you turn to Page 3 of
18 your opinion, or your report I should
19 say.

20 A. Yes.

21 Q. Looking at Opinion 1 at the
22 top of Page 3, can you tell me, does
23 that mean that if the acids did
24 increase mobility of metal



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1 contaminants that there would have
2 been increased response costs?

3 THE WITNESS: Can you repeat
4 that question, please.

5 (The court reporter read
6 back the following:

7 "Q. Looking at Opinion 1
8 at the top of Page 3, can you tell
9 me, does that mean that if the acids
10 did increase mobility of metal
11 contaminants that there would have
12 been increased response costs?")

13 THE WITNESS: No, that's not
14 what that says. No.

15 BY MS. TROJECKI:

16 Q. So when you speak about
17 increased response costs in Opinion
18 1, what's the point you are trying to
19 get at?

20 A. With respect to the
21 opinions in this report, I was
22 responsible for Opinion 2B and 3A.

23 The remainder of the
24 report -- I wrote the Introductory



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1 History section, and those are the
2 two opinions that were my
3 responsibility, that I developed.
4 The other ones were developed by Dr.
5 Roetzer and Dr. Short.

6 Q. So do you feel that you are
7 not an expert to testify regarding
8 the subject matters in the other
9 opinions?

10 MR. PETTIT: Object to the
11 form.

12 THE WITNESS: Those opinions
13 were drawn and developed by Dr. Short
14 and Dr. Roetzer, actually while I was
15 out of the country, so I was not part
16 of the development of those opinions.

17 I developed my opinions and
18 was out of the country from September
19 7th to September 30th on a
20 Mediterranean cruise.

21 BY MS. TROJECKI:

22 Q. I'm sorry, can you repeat
23 those dates?

24 A. Excuse me?



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1 Q. Can you repeat those dates?

2 A. Yes. I was out of the
3 country from the 7th of September
4 until the 30th of September, 25th
5 wedding anniversary Mediterranean
6 cruise.

7 Q. So are the opinions
8 contained in this report that are the
9 ones not drafted by you your opinion?

10 A. I do not disagree with
11 those opinions, but I did not develop
12 those opinions.

13 Q. Did you have anything to do
14 with the drafting of Opinion 1B,
15 specifically regarding areas down
16 gradient of the source area? Did you
17 contribute in any way to Opinion 1B?

18 A. No, I did not.

19 The only time that I saw
20 this was on the 13th of September an
21 e-mail was -- I was able to actually
22 get an e-mail of the draft, of our
23 draft before it went to Mr. Pettit,
24 and I reviewed it, made some



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1 grammatical small changes and sent it
2 back to Dr. Roetzer, so no.

3 Q. And did you have anything
4 to do with Opinion 1C?

5 A. No, I did not.

6 Q. So in the paragraph under
7 the five bullets there where it
8 speaks about high groundwater flow
9 rates and mobile constituents would
10 have rapidly migrated down gradient
11 of the source areas, are those your
12 opinions?

13 A. You can -- I think those
14 opinions or similar to that are
15 illustrated in the Opinion 2B that I
16 made with respect to the movement of
17 the organic contaminants that were
18 illustrated in the modeling report
19 that was done by another consultant.

20 Q. Do you adopt the opinions
21 in 1C as your own?

22 A. Those aren't my own. Those
23 were -- as I said, those were
24 developed by Dr. Short and Dr.



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1 Roetzer.

2 They may have read my
3 opinion -- they had my two opinions
4 that were developed before they
5 started working on theirs.

6 They may have used that as
7 part of incorporating that into their
8 opinions, but I don't know if they
9 did that or not.

10 Q. For right now, then, let's
11 start with the first opinion that you
12 did develop, which is Opinion 2B.
13 Can you paraphrase what the point
14 that you are trying to make is in
15 Opinion 2B?

16 A. Yes. In Opinion 2B I'm
17 stating that using the modeling
18 report that Brown & Caldwell
19 developed that it was illustrated
20 that organic contaminants had
21 migrated from source areas past the
22 area where remediation or capture of
23 the plume was determined to be
24 necessary in the ROD.



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1 And that that plume had
2 already extended past where the
3 interceptor trends went and therefore
4 remediation was necessary from
5 contamination that was deposited on
6 the site prior to any releases of --
7 any potential releases of Ashland
8 material.

9 Q. So is the opinion limited
10 to -- I mean, are you only trying to
11 say that the remediation -- or are
12 you only trying to say that the
13 groundwater extraction remedy was put
14 in to remediate releases prior to
15 1976 and that's it?

16 A. No. I'm saying that those
17 prior releases as illustrated in the
18 modeling report created an organic
19 groundwater plume that had already
20 extended, you know, past where
21 interception was necessary and
22 actually had showed that it had
23 actually migrated into the swampy
24 area past that.



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1 approximate surface elevation
2 locations, what do you mean by
3 approximate? Did you approximate
4 them?

5 A. I used the surface
6 elevation map, looked at the --
7 transposed the locations off of these
8 exhibits just to their location on
9 the map.

10 And then looked at the
11 elevation contours that those
12 areas -- that those areas crossed to
13 look at the elevation -- the variance
14 here is dependent on how the hot spot
15 is located with respect to the
16 topography and how the land is
17 dipping down.

18 So these are within
19 approximate. They are probably
20 within, I would guess within a couple
21 of feet.

22 Q. Five, ten feet?

23 A. No, not ten. No. No.

24 They are probably within a couple of



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1 feet.

2 Q. Two? Two to five? What do
3 you mean by couple?

4 A. Two.

5 MS. TROJECKI: Do you want
6 to take a break?

7 (Recess taken)

8 BY MS. TROJECKI:

9 Q. Turning to Page 3 of your
10 report, I want to ask you about the
11 last sentence, "Based on the actual
12 groundwater monitoring data at the
13 site, there is no evidence that acid
14 waste could have affected metal
15 transport in areas down gradient of
16 the source area."

17 Do you know what is meant
18 by source area in that sentence?

19 A. I believe the -- again, I
20 didn't write this opinion, but I
21 believe that that's referring to --
22 as a source area would have been the
23 area where there was a potential
24 release of the acid waste.



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1 Q. If I gave you a map of the
2 site, would you be able to indicate
3 which area is meant by source area in
4 this sentence?

5 A. I would assume the source
6 areas are the same as indicated on
7 the -- that I indicated on this
8 figure here earlier in my testimony,
9 on Roetzer Exhibit 2.

10 Q. And when you say assume,
11 you are not really sure what is meant
12 by source area there?

13 A. I'm assuming that that's
14 what Dr. Short and Dr. Roetzer meant.

15 Q. So areas down gradient --
16 just to back up, you are assuming
17 that they meant these source areas
18 that you have indicated in red as the
19 areas where Shaak and DeRewal may
20 have allegedly dumped spent acid
21 waste. Is that right?

22 I just want to make sure
23 the record is clear when you said
24 that you assume they are in the areas



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1 on Roetzer-2, which areas that is.

2 A. Yes, that's correct.

3 Q. And the areas down gradient
4 of the source area would be, on your
5 map, areas that we have already
6 discussed as far as, you know, where
7 the groundwater direction flow is.

8 Correct?

9 A. Correct.

10 Q. And what is it about the
11 actual groundwater monitoring data at
12 the site that tells us that the acid
13 waste could not have affected metal
14 transport in those down gradient
15 areas?

16 A. Only -- at least in the
17 data that was looked at in this
18 opinion by Dr. Roetzer and Dr. Short,
19 there was only two wells out of, I
20 don't know how many wells they
21 monitored at that point, that
22 actually had a pH, an acidic pH or a
23 pH below the normal range of 6 to 8.

24 There's only two out of I'm



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1 not sure how many wells were sampled
2 during that period, but 20, 30 wells,
3 it shows that there is only --
4 there's only two wells that showed
5 that range of a pH below 6.

6 Q. And is there any other
7 basis or any other groundwater
8 monitoring data that's relied upon?

9 A. Not that I'm aware of.

10 Q. And turning to Page 4 of
11 your report, I want to refer you to
12 the paragraph immediately under the
13 bullets. Midway in that paragraph
14 the sentence that starts "Due to the
15 relatively high groundwater flow
16 rates near the source areas at the
17 site."

18 What is meant by source
19 areas in that sentence?

20 A. Again, I didn't write this.
21 Give me a minute to read it.

22 Those source areas are
23 the -- I believe they are referring
24 to source areas as any potentially



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1 known areas where metal finishing
2 wastes were released and what they
3 are talking about earlier in the
4 opinion.

5 Q. Do you have any opinion or
6 did you analyze where potential metal
7 finishing wastes would have been
8 disposed of at the site?

9 A. No, I did not.

10 Q. Did you do any calculations
11 of groundwater flow rates and what
12 those areas may have been? I guess
13 not, if you didn't do any analysis as
14 to where they were.

15 A. No, I'm not aware of that.

16 Q. And does the groundwater
17 flow model that you refer to in
18 Opinion 2B of your report, and I'm
19 speaking about Jamieson-1, does that
20 information apply only to the TCE
21 plume or does it apply to --

22 A. No. They were using --
23 that was strictly modeling of TCE,
24 yes.



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1 Q. Did you draft the site
2 history section of this report?

3 A. Yes, I did.

4 Q. I am going to show you what
5 we marked yesterday as Roetzer
6 Exhibit 3, and it's a draft copy of
7 the report. If you could turn to the
8 first page of that draft report.

9 A. The first page?

10 Q. The first page of text
11 under Site History.

12 And the end of the first
13 paragraph of the draft report there's
14 a phrase there that says "Waste was
15 disposed of at the site from the
16 early 1970s to 1977." Do you see
17 that?

18 A. The last --

19 MR. PETTIT: The first
20 paragraph.

21 THE WITNESS: I'm sorry, I
22 was looking at the wrong paragraph.

23 BY MS. TROJECKI:

24 Q. Right, the first paragraph.



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1 Do you see what section I'm
2 referring to?

3 A. Yes. Uh-huh.

4 Q. In your final report that
5 was changed to beginning in the early
6 1970s. Do you see that?

7 A. Uh-huh.

O. Did you make that change?

9 A. N.O.

10 Q. Do you know who did make
11 that change?

12 A. It would probably have been
13 Dr. Roetzer or Dr. Short.

14 Q. Do you know why that change
15 was made?

16 A. No.

17 Q. Can you turn to your CV. I
18 just want to quickly go through your
19 background.

20 (Discussion off the
21 record.)

22 BY MS. TROJECKI:

Q. I see you went to the
University of Waterloo in 1979.



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1 Q. Did they point out to you
2 in the deposition transcripts
3 particular testimony regarding the
4 alleged disposal locations or did you
5 find that yourself?

6 A. If I recall correctly, I
7 think they said, you know, look in
8 these -- they told us what -- we
9 received a lot of information and
10 told us where we might locate some of
11 these maps where the alleged
12 locations were located.

13 Q. Do you do your work for
14 Alternative Environmental Strategies
15 at home or at your office in Tetra
16 Tech?

17 A. Mostly at home. There's
18 some e-mails that were sent to my
19 office and things of that nature, but
20 I do that work separately at home,
21 yes.

22 Q. So do you have two separate
23 e-mail accounts?

24 A. I do. I have a Yahoo



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1 e-mail account and I have my work
2 one. A number of the things -- a
3 number of the e-mails were sent to my
4 work just because they get to me more
5 quickly.

6 Q. But they would have been
7 sent to both or were some e-mails
8 regarding this case sent to both
9 e-mail addresses?

10 A. I know when Jim sent the --
11 when I was out of the country, I
12 couldn't access my company e-mail and
13 Jim sent me the -- when they sent me
14 the draft report on the 13th of
15 September, that was through my Yahoo
16 just because it was the only way to
17 get ahold of me. There wasn't too
18 many through Yahoo.

19 Q. Did you actually work on
20 the draft report when you were in
21 your Tetra Tech office?

22 A. No. I worked on it at
23 home.

24 Q. Did you prepare a draft of



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1 your sections as a Word document?

2 A. Yes.

3 Q. Did you save that Word
4 document on your home computer or on
5 your work computer?

6 A. I have a laptop that I use.
7 I use in both places.

8 Q. So it's saved on the laptop
9 and that's it?

10 A. No. It was -- you know
11 company policies, as you get through
12 drafts of things you get rid of the
13 old drafts just because you don't
14 want to get them confused with the
15 new ones, so I don't have an
16 electronic copy of that anymore.

17 Q. But as you were working on
18 it, where did you save it?

19 A. It would have been on the
20 hard drive of my laptop, yes.

21 Q. And you have actually gone
22 in and deleted it from the hard drive
23 of your laptop. Is that correct?

24 A. Yeah, once we -- when I got



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1 back from vacation the final had
2 already been completed, so I cleaned
3 it up, yes.

4 Q. Did you send copies of your
5 portions of -- I guess, how did your
6 portions of the report get
7 incorporated into the final report?

8 A. I e-mailed my two opinions
9 and the history I had done and I
10 guess a copy of a cover page with my
11 signature on it. I may have Fed Ex'd
12 that to Jim, I'm not sure, the cover
13 page.

14 I sent the opinions and
15 that to Leigh and Jim just before I
16 left the country.

17 Q. And were they all on one
18 document?

19 A. Yes. Uh-huh. Yes.

20 Q. And you sent that by
21 e-mail?

22 A. Yes.

23 Q. From which account?

24 A. Probably from Yahoo, but



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1 I'm not certain. It would depend.
2 If I'm working at home, I can access
3 either e-mail account, so I'm not
4 certain which one I sent it on.

5 Q. Did you send it from home?

6 A. I was at home.

7 Q. Oh, you were at home when
8 you finally sent it?

9 A. Yes.

10 Q. So you didn't send Jim or
11 Leigh any draft copies of your report
12 until you actually got back from the
13 Mediterranean, is that it?

14 A. Oh, no. It was before I
15 went.

16 We were engaged on the
17 21st. I finished up my work by
18 probably around the 4th, which would
19 have been I think the long weekend, I
20 worked all through the long Labor Day
21 weekend. And then either on the 4th
22 or 5th sent it to Jim.

23 And I left San Diego on the
24 6th and then to New Jersey and then



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1 on the 7th left for Europe.

2 Q. So on the 4th or 5th you
3 sent your report by e-mail to Dr.
4 Short and Dr. Roetzer?

5 A. Yes. That's correct.

6 Q. And did you send a signed
7 copy of the signature page at that
8 time, too?

9 A. Yes, so that they had my
10 signature on it.

11 Q. Because you weren't going
12 to be around.

13 A. I wasn't going to be around
14 before it had to be submitted.

15 Q. So you deleted the draft
16 copy from your hard drive. Did you
17 also delete the e-mail that you sent
18 to Dr. Short and Dr. Roetzer?

19 A. Yes. It's probably gone
20 too, I would expect. I clean out my
21 e-mail quite often. It gets too big.

22 Q. Do you have a routine
23 practice of cleaning out the e-mail,
24 cleaning out your e-mail?



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ORAL DEPOSITION OF GORDON R. JAMIESON, PG, 12/20/06

1 A. Yes. And actually, in the
2 office, e-mails are only kept for 60
3 days and then they are automatically
4 deleted at work if they are not
5 archived.

6 Q. So if you would have sent
7 it from work, it would have been
8 automatically deleted in 60 days. Is
9 that right?

10 A. Yes, unless I archived the
11 e-mails. I'm pretty sure it was sent
12 from home.

13 Q. Oh, from the --

14 A. From the Yahoo account,
15 yes.

16 Q. And do you have a routine
17 practice of deleting the e-mails from
18 your Yahoo account?

19 A. Yeah, just the ones I don't
20 need or getting too big. And also,
21 as I said, it's company policy
22 getting rid of any drafts of
23 documents so you don't get things
24 confused as you move forward.



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ORAL DEPOSITION OF GORDON R. JAMIESON, PG, 12/20/06

1 Q. When did you delete it from
2 your hard drive?

3 A. I don't recall.

4 Q. Is it something that you
5 think you would have done, you know,
6 the day that you sent the e-mail, the
7 day the final --

8 A. Oh, no. It would have been
9 at some point after I returned from
10 vacation.

11 Q. Did you visit the site
12 prior to drafting your portions of
13 the report?

14 A. Not prior, no. It was
15 after the report was submitted.

16 Q. And when did you visit the
17 site?

18 A. Last Tuesday.

19 Q. What was the purpose of
20 that visit?

21 A. Just to go to the site and
22 make sure that the lay of the land
23 and what I had seen in the reports
24 and all that stuff, just doing a



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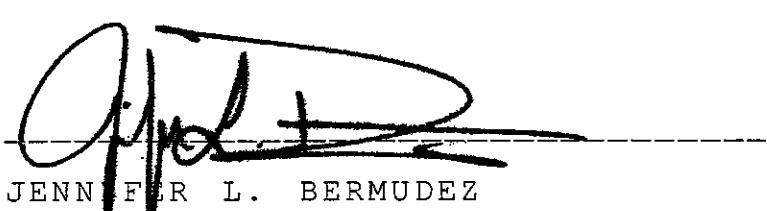
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1 CERTIFICATION
2

3 I, JENNIFER L. BERMUDEZ, a
4 Court Reporter in and for the Commonwealth
5 of Pennsylvania, hereby certify that the
6 foregoing is a true and accurate transcript
7 of the deposition of said witness who was
8 first duly sworn by me on the date and
9 place hereinbefore set forth.

10 I FURTHER CERTIFY that I am
11 neither attorney nor counsel for, nor related
12 to or employed by, any of the parties to
13 the action in which this deposition was
14 taken, and further that I am not a relative
15 or employee of any attorney or counsel
16 employed in this action, nor am I
17 financially interested in this case.

18
19 
20
21 JENNIFER L. BERMUDEZ
22 Court Reporter and Notary Public
23
24

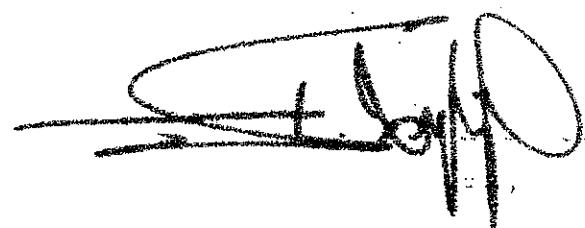


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A handwritten signature in black ink, appearing to read "Michael J. Gaffney". The signature is fluid and cursive, with a large, stylized 'M' at the beginning.